

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATATREASURY CORPORATION,)
)
 Plaintiff,)
)
 v.)
)
 WELLS FARGO & COMPANY, et al.,)
)
 Defendants.)
 _____)

Case No. 2-06CV-72

**NOTICE OF THE BANK OF NEW YORK COMPANY, INC. AND THE BANK OF NEW
YORK'S SERVICE OF PROPOSED TERMS AND CLAIM ELEMENTS FOR
CONSTRUCTION**

Defendants The Bank of New York Company, Inc. and The Bank of New York, by and through their counsel, hereby provide Notice to the Court, pursuant to the Second Amended Docket Control Order, dated January 29, 2007 (Docket #451), and local P.R.4-1(a), that their Proposed Terms and Claim Elements for Construction were served upon plaintiff on February 7, 2007 via electronic mail pursuant to the written agreement of the parties.

Dated: February 9, 2007

Respectfully submitted,

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*Attorneys for Defendants,
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Bank of New York*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on February 9, 2007, to all counsel of record via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Gerri Carrenard